

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

No. 1:09-CR-10330-GAO

(1) STRYKER BIOTECH, LLC,  
(2) MARK PHILIP,  
(3) WILLIAM HEPNER,  
(4) DAVID ARD, and  
(5) JEFFREY WHITAKER,

Defendants.

**WAIVER OF APPEARANCE FOR ARRAIGNMENT PURSUANT TO FEDERAL  
RULE OF CRIMINAL PROCEDURE 10(b)**

I, Jeffrey Whitaker, charged in a Superseding Indictment pending in the United States District Court for the District of Massachusetts, in violation of Title 18 U.S.C. § 2; 18 U.S.C. § 371; and 18 U.S.C. § 1343, do hereby waive (give up) my right to appear at an arraignment.

I acknowledge that I have received a copy of the Superseding Indictment and have agreed to have my attorney enter the plea of not guilty on my behalf.

10/28/11  
Date

Jeffrey Whitaker  
Defendant

John Pate  
Counsel for Defendant

The defendant's request to waive appearance at the arraignment is hereby  
APPROVED.

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**Date**

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**Judicial Officer**

**CERTIFICATE OF SERVICE**

I, Alatheia E. Porter, hereby certify this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notification of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 28, 2011.

/s/ Alatheia E. Porter  
Alatheia E. Porter